
THIRD READING

Bill No: AB 2730
Author: Cervantes (D)
Amended: 8/20/20 in Senate
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 16-0, 8/14/20
AYES: Dodd, Wilk, Allen, Archuleta, Borgeas, Bradford, Chang, Galgiani,
Glazer, Hill, Hueso, Jones, Nielsen, Portantino, Rubio, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/20/20
AYES: Portantino, Bates, Bradford, Hill, Jones, Leyva, Wieckowski

ASSEMBLY FLOOR: 78-0, 6/10/20 - See last page for vote

SUBJECT: Access and functional needs: local government: agreement for
emergency management and transportation

SOURCE: Author

DIGEST: This bill authorizes a county to enter into an agreement with an adjacent county, upon the request of the adjacent county, for purposes of permitting the adjacent county to borrow, for compensation, the county's emergency management and transportation services in the event of an emergency, as specified.

ANALYSIS:

Existing law:

- 1) Establishes the California Office of Emergency Services (OES), within the office of the Governor, which is responsible for preventing, responding to, recovering from, and mitigating the impacts of both natural and intentional disasters.

- 2) Authorizes cities and counties to create disaster councils to develop plans for meeting any condition constituting a local emergency or state of emergency, as specified.
- 3) Requires a county, upon the next update to its emergency plan, to integrate access and functional needs into its emergency plan by addressing, at a minimum, how the access and functional needs population is served by emergency communications, emergency evacuation, and emergency sheltering.
- 4) Requires counties to include representatives from the access and functional needs population when making an update to the emergency plan.
- 5) Defines “access and functional needs population” as individuals who have developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, older adults, children, people living in institutionalized settings, or those who are low income, homeless, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit or those who are pregnant.
- 6) Defines “mutual aid region” to mean a subdivision of the state emergency services organization, established to facilitate the coordination of mutual aid and other emergency operations within an area of the state consisting of two or more county operational areas.

This bill:

- 1) Authorizes a county, including a city and county, to enter into an agreement with an adjacent county, upon the request of the adjacent county, for purposes of permitting the adjacent county to borrow, for compensation, the county’s emergency management and transportation services in the event of an emergency that requires the evacuation and relocation of the access and functional needs population in the adjacent county.
- 2) Specifies that the services to be provided under such an agreement shall be available 24 hours per day, seven days a week.
- 3) Requires a county, including a city and county, that chooses to enter into an agreement to integrate that agreement into its emergency plan within 90 days of entering into that agreement.
- 4) Defines “adjacent county” to mean a county within the same or contiguous mutual aid region or regions, as specified.

Comments

Purpose of the bill. According to the author's office, "during natural disasters or public health emergencies, our most vulnerable populations are often unable to evacuate or seek shelter. This includes, but is not limited to, the elderly, foster youth, and people with physical or developmental disabilities. This bill will facilitate local partnerships to allow counties and cities to share logistical resources (including paratransit vehicles, drivers, and medical equipment) to evacuate these vulnerable populations when natural disasters or public health emergencies strike our state. We must ensure that when these emergencies occur in California, no one gets left behind."

California State Auditor report. In December 2019, the California State Auditor (Auditor) issued Report No. 2019-134 "California Is Not Adequately Prepared to Protect Its Most Vulnerable Residents From Natural Disasters." The report highlighted deficiencies in state and local emergency preparations for addressing the needs of people with access and functional needs. In light of these findings, the report made a number of recommendations to the Legislature including: requiring OES to review counties' emergency plans to ensure they align with best practices; involve organizations that represent individuals with access and functional needs in developing state emergency plans and guidance for local jurisdictions; and, annually distribute lessons learned from natural disasters. There are a number of bills currently moving through the Legislature to implement these recommendations.

The audit also underscored the need for counties to fully assess and prearrange to obtain the resources it would need in a disaster, such as entering into an agreement with an adjacent county to secure the transportation and other resources required to carry out the proper evacuation of our access and functional needs population. The author's staff notes, "given the access and functional needs population often lacks the ability to provide for their own transportation and may also have difficulty accessing conventional public transportation, evacuating these transportation-disadvantaged populations during emergencies has become an important challenge to address."

Office of Access and Functional Needs. In January 2008, OES established the Office of Access and Functional Needs (OAFN). The purpose of OAFN is to identify the needs of people with disabilities and others with access and functional needs before, during, and after a disaster and to integrate disability needs and resources into emergency management systems. OAFN offers guidance to

emergency managers and planners, disability and older adult service systems for planning and responding during disasters and recovery.

Existing law defines “access and functional needs population” as individuals who have developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, older adults, children, people living in institutionalized settings, or those who are low income, homeless, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit or those who are pregnant.

Paratransit providers and emergency management. Paratransits have the capacity to work with emergency management to ensure that people being returned to their residencies have the necessary resources and support required to safely return home following emergencies and resume living independently. Paratransit providers can assist emergency management in identifying and locating people with access and functional needs that may require evacuation assistance. While emergency managers may know the locations of resident care centers, they may have limited knowledge about the travel patterns and personal residencies of people living independently in the community who may need evacuation assistance.

This bill authorizes a county, including a city and county, to enter into an agreement with an adjacent county, upon the request of the adjacent county, for purposes of permitting the adjacent county to borrow, for compensation, the county’s emergency management and transportation services in the event of an emergency that requires the evacuation and relocation of the access and functional needs population in the adjacent county. Additionally, this bill specifies that the services to be provided must be available 24 hours per day, seven days a week.

This bill defines an “adjacent county” to mean a county within the same or a contiguous mutual aid region or regions. Mutual aid regions are a subdivision of the state emergency services organization, established to facilitate the coordination of mutual aid and other emergency operations within an area of the state consisting of two or more county operational areas.

Related/Prior Legislation

AB 2047 (Aguiar-Curry, 2020) requires a county, as part of its update to its emergency plan, to address the Alzheimer’s disease and dementia population, as specified. (Never heard in the Senate Governmental Organization Committee)

AB 2386 (Bigelow, 2020) requires OES to annually review ten local emergency plans to determine if they conform or exceed best practices identified by the Federal Emergency Management Agency, as specified. (Pending on the Senate Floor)

AB 2968 (Rodriguez, 2020) requires, by January 1, 2022, OES to develop best practices for counties developing and updating a county emergency plan and requires OES to establish a process for a county to request an OES review of its plan and technical assistance. (Pending on the Senate Floor)

AB 3267 (Smith, 2020) requires OES to coordinate with representatives from the access and functional needs population when updating the SEP; and, provides OES with additional time to complete an after-action report following each declared disaster, as specified. (Pending on the Senate Floor)

SB 160 (Jackson, Chapter 402, Statutes of 2019) required a county to integrate cultural competency into its emergency plan, upon the next update to its emergency plan, and required counties to provide a forum for community engagement in geographically diverse locations in order to engage with culturally diverse communities, as specified.

AB 2311 (Brown, Chapter 520, Statutes of 2016) required each county to integrate access and functional needs into its emergency plan upon the next update.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

According to the Senate Appropriations Committee, negligible state costs.

SUPPORT: (Verified 8/20/20)

California Supported Living Network
Disability Rights California
National Multiple Sclerosis Society
State Council on Developmental Disabilities
The Arc
United Cerebral Palsy California Collaboration

OPPOSITION: (Verified 8/20/20)

None received

ARGUMENTS IN SUPPORT: Disability Rights California writes in support of the bill stating that, “[a]s the most recent California wildfires have demonstrated,

there is a critical need for effective evacuation plans that must include all members of the communities, including persons with disabilities and the elderly. It is critical to leverage the availability of transportation that can effectively and efficiently provide services to the functional needs population.”

ASSEMBLY FLOOR: 78-0, 6/10/20

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Diep, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Obernolte, O'Donnell, Patterson, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon

NO VOTE RECORDED: Quirk

Prepared by: Brian Duke / G.O. / (916) 651-1530

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